THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

J. CARTER BROWN, Chairman

HAROLD BURSON
JOHN S. CHASE
SONDRA G. MYERS
WALTER A. NETSCH
ALAN R. NOVAK
EDWARD D. STONE, JR.

CHARLES H. ATHERTON, Secretary

708 JACKSON PLACE, N.W.
WASHINGTON, D.C. 20006
202-566-1066

MEETING OF THE COMMISSION OF FINE ARTS

November 10, 1981

AM
10:00 CONVENE, 708 Jackson Place, N. W., Washington, D. C.

I. ADMINISTRATION

A. Dates of next meetings: December 15, 1981
January 12, 1982

B. Approval of October 13, 1981 minutes of the Commission of Fine Arts.

C. D. C. Bill 4-215 "Building Restriction Line Modification Authorization Act of 1981", report.

D. D. C. Bill 4-334, enclosed Sidewalk Cafe Act of 1981, report.

II. SUBMISSIONS AND REVIEWS

A. John F. Kennedy Center for the Performing Arts

1. CFA 10/NOV/81-1, Feasibility Study for Conservatory of Music and Theater.

B. District of Columbia Government, Department of Licenses and Inspections

1. Old Georgetown Act

a. O.G. 82-5, 1025 Thomas Jefferson Final working drawings and material samples.

b. Appendix I.

II. SUBMISSIONS AND REVIEWS CONTINUED

2. Shipstead-Luce Act

a. S.L. 82-6, 2112 F Street, N. W. New 10-story residential building. Revision of previously approved materials.

b. S.L. 82-8, 1331 Pennsylvania Avenue, N. W. Quadrangle Marriott. Additional samples of dark glazed brick for hotel office complex.

c. Appendix II.

C. Pennsylvania Avenue Development Corporation

1. CFA 10/NOV/81-2, Prototype Drinking Fountain, preliminary design.

D. Intelsat

1. CFA 10/NOV/81-3, Detailed study of wall section for headquarters complex, Van Ness and Connecticut Avenue, N. W.

E. National Park Service; National Capital Region

1. CFA 10/NOV/81-4, Vietnam Veterans Memorial, revision to and development of preliminary designs.

F. General Services Administration, Region 3

1. CFA 10/NOV/81-5, Addition to Building 213, Washington Navy Yard.

III. SITE INSPECTIONS

A. Vietnam Veterans Memorial

B. Quadrangle Marriott, sample brick

C. Intelsat Headquarters

D. National Zoo

REPORT OF ACTIONS TAKEN UNDER THE OLD GEORGETOWN ACT

NO.	ADDRESS AND OWNERS	PROJECT
O.G. 81-135 HPA. 81-370	3227 Grace Street, N.W. E. Fulton Brylawski	New Sign

ACTION: Do not issue permit. Request further study of alternate signs in conjunction with Park Service request to remove existing signs facing Grace Street.

O.G. 81-165 HPA. 81-505	1050 Thomas Jefferson Street, N.W. Perpetual S & L	Sign

ACTION: Issue permit for one sign to be mounted on brick wall as proposed and for a smaller sign on window wall to fit within a single panel. Note that drawings have been altered to reflect this change.

O.G. 81-167 HPA. 81-516	2929 M Street, N.W. National Savings and Trust	New banking facility

ACTION: Issue permit for new bank building. Applicant will erect brick and mortar sample on site for inspection and approval by Commission. Roof is to be finished with natural slate; imitations or substitutions not approved.

O.G. 81-168 HPA. 81-517	3500 P Street, N.W. Michael Minkoff	Convert garages into residence

ACTION: Preliminary design for new residence approved. Alterations of the existing garage structure is recommended since it is unattractive in its present condition, and has no historic merit.

O.G. 81-169 HPA. 81-518	1515 29th Street, N.W. Elizabeth Portor	Convert and add to existing garage

ACTION: Issue permit for porch addition and alterations.

O.G. 81-170 HPA. 81-523	3133 Dumbarton Ave., N.W. Dumbarton Church	Convert storage shed to classroo

ACTION: Issue permit for alterations to shed structure.

REPORT OF ACTIONS TAKEN UNDER THE OLD GEORGETOWN ACT

NO.	ADDRESS AND OWNER	PROJECT
O.G. 81-171 HPA. 81-525	3264 P Street, N.W. Lester Shor	Addition of three rooms rear of building

ACTION: Issue permit for addition to existing house.

O.G. 81-172 HPA. 81-526	1732 Wisconsin Avenue, N.W. Loretta M. Downet & Agent	Raze existing retail building

ACTION: Issue permit for razing. Due to alterations, the existing building is no longer contributing element to the historic district. The replacement structure will provide a suitable infill and contribute to the existing street scape. (note the Commission's concurrence with the razing is based on approval of preliminary designs, O.G. 81-137, for the replacement building and the understanding that the site will not remain vacant for more than 60 days).

O.G. 81-174 HPA. 81-528	1238 Wisconsin Avenue, N.W. West End Corp	Raze one floor building

ACTION: Issue permit for razing one story structure. Replacement building will contribute more to the streetscape and adjacent structures than the existing structure (Note: the Commission's approval of the razing is based on concurrent approval of the preliminary designs for the replacement building and the understanding that the site will not remain vacant for more than 60 days).

O.G. 81-175 HPA. 81-529	1026 30th Street, N.W. Crow-Washington #1	Raze Galliher Lumber buildings

ACTION: Issue permit for razing of Galliher Lumber buildings which have no special architectural or historic merit that contributes to the historic district. Commission has approved preliminary replacement building designs, (13 Jan. 81, O.G. 81-49).

O.G. 81-176 HPA. 81-530	3019 K Street, N.W. Crow-Washington #1	Raze Galliher Lumber building

ACTION: Issue permit for razing of Galliher Lumber buildings which have no special architectural or historic merit that contributes to the historic district. Commission has approved preliminary replacement building designs, (13 Jan. 81, O.G. 81-49).

REPORT OF ACTIONS TAKEN UNDER THE OLD GEORGETOWN ACT

NO.	ADDRESS AND OWNER	PROJECT
O.G. 81-177 HPA. 81-531	3001 K Street, N.W. Crow-Washington #1	Raze Galliher Lumber Building

ACTION: Issue permit for razing Galliher Lumber buildings which have no special architectural or historic merit that contributes to the historic district. Commission has approved preliminary replacement building designs, (13 Jan. 81, O.G. 81-49).

O.G. 81-178 HPA. 81-535	3700 "O" Street, N.W. Georgetown University	Renovation and addition to Old North

ACTION: Issue permit for alterations and additons to Old North as shown on working drawings. Sample brick and mortar panels shall be erected on site for inspection and approval by the Commission prior to erection of above-grade walls.

O.G. 81-179 HPA. 81-539	3250 R Street, N.W. District of Columbia Govt.	Handicapped ramp for Georgetown Branch Library

ACTION: Request additional study. Though there is no objection to the door replacement and the installation of a ramp, the parapet of the ramp as proposed in not in character with the building and would be costly and difficult to build. Suggest that the restudy include a uniformly stepped brick parapet with carefully detailed coursing to avoid extensive brick cutting. Request conference with architect.

O.G. 81-180 HPA. 81-	3622,-24, -26 Prospect Street, N.W. Michael Reddin	Remodel existing dwellings

ACTION: Preliminary plans approved by the Commission on October 13, 1981. Submit working drawings and materials samples for approval prior to issuance of permit.

O.G. 81-183 HPA. 81-547	2519 Q Street, N.W. Mr. G.G. Johnson	Renovate street front

ACTION: Issue permit for door and window alterations.

O.G. 81-185 HPA. 81-551	1532 Wisconsin Avenue, N.W. Suters Tavern	Rear addition

ACTION: Request report on any zoning variances that might be required relating to rear yard setback, prior to review of design by Commission.

REPORT OF ACTIONS TAKEN UNDER THE OLD GEORGETOWN ACT

NO.	ADDRESS AND OWNER	PROJECT
O.G. 81-187 HPA. 81-554	3122 P Street, N.W. William Draper III	Replacement of existing driveway and garden deck with new driveway and garden deck, misc. landscape work.

ACTION: Issue permit.

O.G. 81-188 HPA. 81-556	3401 K Street, N.W. Sigal Corp.	Install fire door

ACTION: Issue permit; recommend that door be painted to match adjoining wall.

O.G. 81-189 HPA. 81-557	1226 36th Street, N.W. Georgetown University	Fence and gate

ACTION: Issue permit for fence and gate.

O.G. 81-191 HPA. 81-559	1211, -19 Wisconsin Avenue, N.W. Monolith Enterprises	Install skylight above second floor

ACTION: Issue permit. Recommend dark solar glass and dark metal framing for new skylight.

O.G. 82-2 HPA. 82-7	1237 Wisconsin Avenue, N.W. Leo Kolb	Banner (Sign)

ACTION: Issue permit for 2 by 5 foot banner.

O.G. 82-3 HPA. 82-12	1050 Thomas Jefferson NW Perpetual American Federal Savings	Install automatic teller machine

ACTION: Issue permit for automatic teller machine.

O.G. 82-4 HPA. 82-20	3125 P Street, N.W. James C. Hise	Renovate rear of existing residence

ACTION: Issue permit for alterations to existing residence. No objection to proposal as visible from public space.

REPORT OF ACTIONS TAKEN UNDER THE SHIPSTEAD-LUCE ACT

NO.	ADDRESS AND OWNERS	PROJECT
SL 81-90	400 D Street, S.W. Keys, Condon & Florance Arch.	Renovation & Addition to Ice House

ACTION: Issue permit for renovation and addition. Approved material samples are: Carolina ceramics, chestnut brick: Guardina Industries ss-0 and ss-0 industrex, glass: Also recommend that the architect continue efforts with Metro to resolve extension of screen wall to incorporate "handicapped elevator" entrance.

SL 81-94 HPA 534	117 2nd Street, N.W. Sen. Mike Gravel	House renovation

ACTION: Issue permit for restoration of existing street facade and renovation of interior and rear elevation including new, wood double hung and fixed windows. Double hung sash will conform in design to existing windows and muntin designs for fixed windows will reflect a scale appropriate to size of openings.

SL 81-95	2952 MacComb Street, N.W. John Koch	Bay window

ACTION: Issue permit.

SL 81-96	2613 Klingle, N.W. Martin Landau	New Home

ACTION: Preliminary design approved. Submit working drawings, material samples and landscape plans prior to permit issuance.

SL 81-98	2029 Allen Place, N.W. George Winter	Add side windows to residence

ACTION: Issue permit for enlarged side windows.

SL 82-1	229 E Street, N.W. Terrance Colvin	New basement entrance from street

ACTION: Issue permit. Proposed work is not visible from public space.

REPORT OF ACTIONS TAKEN UNDER THE SHIPSTEAD-LUCE ACT

NO.	ADDRESS AND OWNERS	PROJECT
SL 82-2	2218-220 D Street, S.E. Ruth Stoll	Fire escape on rear of bldg.

ACTION: Issue permit for steel fire escapes as shown on submitted drawings. Exterior fire escape to be painted either bronze or red lead chromate color (roughly color of brick).

SL 82-3	500 C Street, S.W. Plymouth Shops	Signs

ACTION: Issue permit for 1'-6" by 8'-0" bronze anodized sign with white lettering.

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

J. CARTER BROWN, Chairman

HAROLD BURSON
JOHN S. CHASE
SONDRA G. MYERS
WALTER A. NETSCH
ALAN R. NOVAK
EDWARD D. STONE, JR.

CHARLES H. ATHERTON, Secretary

708 JACKSON PLACE, N.W.
WASHINGTON, D.C. 20006
202-566-1066

MINUTES OF THE COMMISSION OF FINE ARTS

10 November 1981

The meeting was convened at 10:00 a.m. in the Commission of Fine Arts offices at 708 Jackson Place, N. W., Washington, D. C.

Members Present:	Hon. J. Carter Brown, Chairman Hon. Harold Burson Hon. Sondra G. Myers Hon. Walter A. Netsch Hon. Alan R. Novak Hon. Edward D. Stone, Jr.
Staff Present:	Mr. Charles H. Atherton, Secretary Mr. Donald B. Myer, Assistant Secretary Mr. Jeffrey R. Carson Mrs. Sue Kohler Mr. Richard H. Ryan
National Capital Planning Commission Staff Present:	Mr. George Evans

I. ADMINISTRATION

A. Dates of next meetings, approved as: 15 December 1981
12 January 1982

It was also suggested that the February meeting be scheduled for Wednesday, 17 February 1982.

B. Minutes of 13 October 1981 meeting, approved.

C. D. C. Bill 4-215, "Building Restriction Line Modification Authorization Act of 1981", report. The Secretary said that the staff, concerned that passage of this bill could radically change the appearance of residential streets, was seeking direction from the members as

to what part the Commission should play in any further discussion of this bill. He had noted earlier that the bill had already cleared the appropriate Council committee without a public hearing. The Chairman said he thought the building line restrictions had a very important effect on the appearance of the city and noted that adherence to building lines, as distinct from property lines, had a long history. He thought the Commission's concerns should be expressed in a statement the Secretary could read at any future hearings or discussions. Mr. Netsch thought such administrative shortcuts as represented by this bill (which would give the Mayor alone the power to remove building line restrictions) were not protecting the city environment. Mr. Novak was concerned that the bill had been presented to the City Council in such a way as to imply that the only purpose of the building lines was to provide for future widening of the streets; he thought the impact on the cityscape had to be examined to see if such action was appropriate. It was unanimously agreed that the Secretary would draft a statement setting forth these ideas. Exhibit A, A-1 (previous correspondence)

D. D. C. Bill 4-334, Enclosed Sidewalk Cafe Act of 1981, report. The Secretary reported on a second bill that would affect the appearance of the city. He noted that many enclosed sidewalk cafes had already been constructed;when their legality was questioned, the courts ruled to allow them because the legislation governing their construction was vague. He said this bill represented an attempt to tighten the rules and regulations but had not addressed the design elements involved. Mr. Stone cited some very permanent looking "temporary" enclosures in New York City and said it should be made clear that materials used must be of a temporary nature. It was unanimously agreed that the Secretary would also draft a statement on this bill expressing the Commission's concerns. Exhibit B (draft Bill), B-1

II. SUBMISSIONS AND REVIEWS

A. John F. Kennedy Center for the Performing Arts

1. CFA 10/NOV/81-1, Feasibility study for Conservatory of Music and Theatre. The Secretary introduced Roger Stevens, Chairman of the Kennedy Center, to explain the proposed expansion. He said it would provide needed additional parking and a conservatory where promising young artists could continue their studies on a scholarship basis. He said this program had been requested by both Maestro Rostropovich and the President's Task Force on the Arts and Humanities. Money for the conservatory and scholarships would be raised privately.

Architect George Hartman from the firm of Hartman-Cox was then introduced. He said the plans he would present were very preliminary, and he realized there could be some disagreement with his proposals. He showed slides of the existing building and surrounding open space, pointing out possible expansion sites to the east, on a triangular site in front of the building now owned by the Park Service, and to the north and south. He said problems inherent in the triangular site had

led him to consider adding the conservatory space to both north and south ends of the existing structure. This would keep all the performing arts functions united in one free-standing building as they are now. The triangular site could be used for underground parking with student housing above. To accommodate the conservatory functions, there would be a sixty-foot addition at each end of the building, with the terrace extended 125 feet on each end. Practice rooms would replace terrace level parking and windows would be added at this level. Theatres, workshops and studios would be placed in the upper levels of the new additions, with light courts at the terrace level providing daylight to work spaces below.

Mr. Netsch commented that perhaps the way to confine the present "white box" and prevent the apparent size of the building from expanding would be to keep the terrace addition white but use a dark green marble such as verd antique for the upper additions. The Chairman said he had at first been worried about the additions but considered this a reasonable approach. He said he had noticed from the slides how seldom one sees the building as a complete facade, most views being foreshortened. He added, however, that the building is already too large and adding to it will be difficult. He asked about using the circular area to the south; Mr. Hartman replied that it was not large enough to house the conservatory functions. When asked about matching the marble, Mr. Hartman said he thought pieces already there could be used. Mr. Novak and Mr. Burson both thought the solution reasonable, although Mr. Novak said he would be reluctant to tamper with the building. Mr. Stone told Mr. Hartman he admired his courage in undertaking this difficult task and commended him on the work he had done. Mr. Hartman thanked him and said much further study remained before a formal presentation could be made. No action was required on this informal submission. Exhibit C

B. District of Columbia Government, Department of Licenses and Inspections.

1. Old Georgetown Act

a. O.G. 82-5, 1025 Thomas Jefferson Street, N. W., final working drawings and material samples. (Mr. Netsch left the room before the discussion began, because of his former association with the firm Skidmore, Owings & Merrill.) The Assistant Secretary said the final drawings for this project had been approved by the Georgetown Board and reviewed by the staff. There had been some minor changes, which he pointed out on the drawings. The five entrance arches had been reduced to three and slight alterations made to the balconies. Slides were shown of the old drawings and a brick sample on the site. David Childs from Skidmore, Owings & Merrill showed two brick colors, the lighter one to be used for the arches. He also showed a window sample: clear glass with a dark frame. He said the actual frames and mullions would be a dark black-green. Skylights on the top floor would be gray glass with a black frame, and the roof would be metal, standing seam construction, painted gray. Mr. Childs said there would be no residential space

in the building, given the depressed market for condominiums in Georgetown at this time. The Chairman expressed his regret at this decision. There were no objections to the materials or the minor alterations, and the design was unanimously given final approval.

b. Appendix 1, approved.

2. Shipstead-Luce Act

a. S.L. 82-6, 2112 F Street, N. W. New ten story residential building. Revision of previously approved materials. Staff member Jeffrey Carson recalled the Commission's final approval of this design, using a dark granite for the curved facade. He said budget considerations had forced a change from granite to brick, and then introduced architect Arthur Cotton Moore to discuss the change. Mr. Moore showed two brick samples, identical in color to that used on his Foundry project in Georgetown. He said the oversize brick had been chosen for the facade, while the standard size would be used for the other elevations. In answer to a question from Mr. Netsch, Mr. Moore said the other buildings in the area were also brick, but of a lighter buff color. While the members regretted the need to give up the granite, there was no strong objection to the samples shown and they were unanimously approved.

b. S.L. 82-8, 1331 Pennsylvania Avenue, N. W. Quadrangle-Marriott. Additional samples of dark glazed brick for hotel-office complex. The Assistant Secretary said the new brick panels requested had been erected on the site and would be seen following the meeting. No action was taken at this time. (See IIIB, Site Inspections.)

c. Appendix 2, approved.

C. Pennsylvania Avenue Development Corporation

1. CFA 10/NOV/81-2, Prototype drinking fountain, preliminary design. Staff member Jeffrey Carson introduced Ron Eichner from PADC, who showed a drawing of a three branched, highly ornamented drinking fountain. He said this design, which would be custom made, had been developed because the standard catalogue versions were too common looking. The Chairman said he would prefer something simpler, and Mr. Netsch added that he could not imagine this item in juxtaposition with the classic Millet lamppost used on the avenue. Mr. Stone commented that each element of the design seemed to be too much of a tour de force. The need for three fountains at the same height was also questioned. It was suggested to Mr. Eichner that he bring the standard catalogue cuts and/or a design based on the lamppost to the next meeting. The design was not approved. Exhibit D

D. Intelsat

1. CFA 10/NOV/81-3, Detailed study of wall section for headquarters complex, Van Ness and Connecticut Avenue, N. W. Slides were shown of the previous presentation of this project in preparation for the mock-up to be inspected on the site following the meeting. No action was taken at this time. (See IIIC, Site Inspections.)

E. National Park Service, National Capital Region

1. CFA 10/NOV/81-4, Vietnam Veterans Memorial, revision to and development of preliminary designs. The Secretary reviewed the Commission's request for further study in regard to safety, possible drainage problems, handicapped access, and the size and type of lettering to be used for the names to be incised on the granite walls. He introduced architect Kent Cooper to discuss the results of this further study. Mr. Cooper first introduced designer Maya Lin who showed slides of the model and explained her solution to the safety problem. Rather than use a swale, which looked more like a ditch, she had decided to place a black granite curb, one foot in height, eleven feet back from the drop-off. This eleven foot wide area would be flat and seeded with grass. Inside the memorial, a granite path, twenty-one inches from the wall and constructed on a gentle slope of 1 to 24, would facilitate the movement of wheelchairs to the lowest point, where the two walls intersect. The path would be four feet in width at its beginning, near the ends of the walls at the point where the listing of names begins, and increase to a width of eight feet at the intersection.

Mr. Cooper said drainage from the memorial area would be carried off through pipes to the storm sewer beneath Constitution Avenue, which is at a lower grade than the lowest point of the memorial. Soggy ground would be eliminated through the use of a "horse hair" type of metal mesh placed under the sod. This would allow rapid drainage, protect the roots of the grass and stabilize the turf. Mr. Cooper said the most difficult problem he had faced was accommodating all 57,000 names on the walls. To do this, each wall had been extended to a length of 246 feet as compared to the original length of 200 feet. The names would occupy 230 feet, leaving the extremely low ends of the walls blank. Slides and a sample of granite with names sandblasted on it were shown to the members. The etching process and spacing were done in consultation with John Benson; "Optima" font, all capitals, was selected. The names were .53 inches in height, five names to a line. A prologue would introduce the listing; an epilogue would close it. Mr. Cooper explained the sandblasting technique whereby the letters are transferred to the granite through a photographic process and the sandblasting is accomplished by a mechanical arm. He said a locator for the names would be placed close to the memorial, near the Tourmobile stop.

Mr. Netsch and the Chairman were still concerned about the possibility of drainage problems. Mr. Cooper and John Parsons from

the National Park Service assured him that a thorough study had been made and that the wire mesh had been used with great success on football fields. A question was asked about the wording of the prologue and epilogue. Robert Doubek of the Vietnam Veterans Memorial Fund was present and recited them for the members. All agreed that the Commission's questions had been responded to satisfactorily, and the preliminary design was unanimously approved pending an examination of the new scale on the site. Exhibit E

F. General Services Administration, Region 3

1. CFA 10/NOV/81-5, Addition to Building 213, Washington Navy Yard. The Assistant Secretary introduced Frank Miles from GSA. He explained that this building had originally been a warehouse and was later converted to office use. At this point an addition is needed to provide more office space. He showed drawings of a two phase addition, similar in fenestration pattern to the original. Actually, there would be solid panels instead of glass in the window areas (as had been done in the previous remodeling) because of security considerations. He noted that the building is in the industrial section of the Navy Yard, not in the historic area. There were no objections and the addition was unanimously approved. Exhibit F

The meeting was adjourned at 12 noon and the members left for a site inspection.

III. SITE INSPECTIONS

A. Vietnam Veterans Memorial. Upon inspecting the staked-out lines of the memorial, the members expressed their regret concerning the increase in the length of the walls. However, the architect explained that the lettering was already small, and to reduce it further in order to shorten the walls would probably make it difficult to read. The members agreed and accepted the modifications to the length.

B. Quadrangle-Marriott. The lightest of three brick samples was approved. In the initial inspection this same panel had been one of four, with one lighter and two darker. While this panel had appeared too light at the time, the members noted that attempts to darken it slightly had only thrown off the color; they agreed that this original lighter brick would be the best choice in the long run. It was identified as Hanley Brick Company 272-A with Flamingo C-55 mortar color additives.

C. Intelsat. A mock-up of a typical section of window and attached sun screen was inspected on the site. The design of the screen was questioned with regard to problems with window cleaning and ice formation. The architects discussed certain changes to be made, and the members were satisfied that they would solve these problems. The modified design was approved subject to submission of a confirmation drawing by the architects.

D. National Zoo. Following lunch at the Great Ape House, the members, (minus the Chairman who had to leave earlier), briefly visited the site of the proposed Monkey Island exhibit. They agreed on the importance of maintaining visibility through the exhibit, because of the central location of the site and the close relationship to major views along the Olmsted Walk. As they departed, they were alarmed at the new concession stands across from the site and wondered how such a project had escaped Commission review. They instructed the Secretary to contact Dr. Reed on this matter and express the Commission's concern.

Signed,

Charles H. Atherton
Secretary

EXHIBIT A

October 30, 1981

Dear Reverend Moore:

I understand that Bill 4-215, which would give the Mayor authority to relocate building restriction lines, has been approved by committee without a hearing and is about to be filed with the D. C. Council's Committee of the Whole for a first reading.

The Commission urges that you delay any further action by the Council until those of us who are concerned have a chance to study and comment on the legislation in a full public session of the committee.

The building restriction lines play an important part in maintaining the orderly appearance of Washington's streets and constitute a matter deserving broad public attention.

With all best wishes,

Sincerely yours,

SIGNED

J. Carter Brown
Chairman

The Reverend Jerry A. Moore, Chairman
Committee on Transportation and
Environmental Affairs
District Building, Room 118
13th and E Streets, N.W.
Washington, D. C. 20004

CHA:meg:hg

EXHIBIT A (1.)

A BILL

RECEIVED

4-215

'81 APR 10 P3:12

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OFFICE OF THE SECRETARY
DIST. OF COLUMBIA COUNCIL

April 10, 1981

To amend the act of June 21, 1906 to authorize the Mayor to adjust building restriction lines in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Building Restriction Lines Modification Authorization Act of 1981".

Sec. 2. The act of June 21, 1906, (34 Stat. 384, ch. 3505, D.C. Code, sec. 5-201 et seq., 1973 ed.,) is amended as follows:

(a) Designate the existing paragraph "(a)" and add a new paragraph "(b)" to read as follows:

"(b) The Mayor is authorized to adjust or remove building lines on streets or parts of streets upon presentation of a plat of the street or streets, or part or parts thereof prepared by the surveyor upon which such action is requested showing the lots and the names of the record owners thereof and accompanied by a petition of the owners of more than one-half of the real estate along the frontage of the square to be adjusted as shown on said plat requesting that the building line or lines be adjusted or

removed, or when from time to time that the Mayor determines that the public interests require that such building line or lines be adjusted or removed; PROVIDED, That no building line be removed on a street sixty (60) feet or less in width; PROVIDED FURTHER, That no building line be adjusted to less than fifteen (15) feet on a street sixty (60) feet or less in width."

(b) Strike the word "Commissioner" wherever it appears and insert in lieu thereof, the word "Mayor".

Sec. 3. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 831; D.C. Code, sec. 1-147(c)(1)).

DRAFT

Council of the District of Columbia
Report

The District Building 14th and E Streets, N.W. 20004 First Floor 724-8000

To Councilmembers

From Jerry A. Moore, Jr., Chairman, Committee on Transportation and Environmental Affairs

Date October 13, 1981

Subject Bill 4-215, the "Building Restriction Line Modification Authorization Act of 1981".

The Committee on Transportation and Environmental Affairs, to which was referred Bill 4-215, "Building Restriction Line Modification Adjustment Act of 1981", having considered the same, reports favorably thereon, and recommends approval of the bill, as amended.

PURPOSE

The purpose of Bill 4-215 is to authorize the Mayor of the District of Columbia to adjust, modify or remove a building restriction line by executive order if the standards enumerated in the bill are fulfilled. Council action will not be required to modify, adjust or remove a building restriction line.

BACKGROUND AND NEED

Building restriction lines are established to enable a municipality to widen a street without destroying buildings or structures. A property owner is not allowed to build any structure from the building restriction line to the street. Even though a property owner may not fully utilize this part of the property, property taxes must be paid and the land must be maintained. When the city no longer plans to widen a street, there is no longer a need to burden the property with a building restriction line. There still exist other controls, including zoning measures and set-back requirements, tnat ensure the proper development and utilization of the property and the surrounding neighborhood.

The present procedure for removing, adjusting or modifying a building restriction line is for the Council to pass an act authorizing the same. Presently, the Mayor may not authorize the removal, adjustment or modification of a building restriction line by executive action. This bill would provide the Mayor with that authority.

By authorizing the Mayor to adjust, remove or modify a building restriction line, the procedure can be made more efficient. The standards set forth in the bill will provide the affected property owners with opportunity to review and comment on the proposed action, and hence the bill will protect their rights while proceeding with the proposed action as rapidly as possible.

CAPSULE LEGISLATVE HISTORY

July 15, 1980	Bill 3-344 introduced by Councilmember Spaulding
July 18, 1980	Bill 3-344 referred to the Committee on Transportation and Environmental Affairs
October 31, 1980	Comments received from Executive Branch on Bill 3-344
April 10, 1981	Bill 4-215 introduced by Councilmember Spaulding
April 15, 1981	Bill 4-215 referred to the Committee on Transportation and Environmental Affairs
May 24, 1981	Comments received from Department of Transportation on Bill 4-215
Oct. 13, 1981	Committee on Transportation and Environmental Affairs considered Bill 4-215

SECTION-BY-SECTION ANALYSIS

Sec. 1. This section provides for the short title.

Sec. 2. This section amends section 5-201 of the D.C. Code to authorize the Mayor of the District of Columbia to adjust, modify or remove a building restriction line if the Mayor determines that the building restriction line is unnecessary in its present form. Section 5-201 of the D.C. Code is one of two sections that authorizes the establishment of a building restriction line.

The Mayor shall not adjust, modify or remove a building restriction line if 50% or more of the property owners whose property the affected building restriction lines are in object to the proposed action.

The Mayor will establish proceedings for the review and consideration of a proposed action to remove, adjust or modify a building restriction line. These procedures shall include:

(1) A property owner, on the street where the building restriction line is, shall apply to the Mayor to remove, modify or adjust the building restriction line;

(2) The Mayor shall publish notice in the D.C. Register;

(3) The Mayor shall send notice to the affected property owners;

(4) There shall be a sixty-day comment period;

(5) Appropriate D.C. government agencies shall comment on the proposed action;

(6) If 25% of the affected property owners object to the proposed action then a hearing shall be held; and

(7) The hearing shall be held in accordance with the DCAPA

Finally the Mayor shall adjust, modify or remove a building restriction line on both sides of the street in the same manner.

Sec. 3. This section amends D.C. Code section 7-117 to authorize the Mayor to adjust, remove or modify a building restriction line in accordance with the procedures set forth in section 2. D.C. Code section 7-117 is the second section of the D.C. Code that allows for the establishment of building restriction lines.

EXECUTIVE COMMENTS

Comments received from the executive branch are favorable, more specifically, they indicate that the procedure for removing, adjusting, or modify a building restriction line is too cumbersome and needs to be simplified. However, they recommended that specific legislative standards be devised and the rights of property owners be protected.

PUBLIC COMMENT

There has been no public comment on this bill.

FISCAL IMPACT

The Committee finds that there will be no adverse fiscal impact if this bill is adopted.

COMMITTEE ACTION

The Committee on Transportation and Environmental Affairs met on October 7, 1981, to consider the Committee print of Bill 4-215.

DRAFT

EXHIBIT B

Committee Print
March 10, 1982

David A. Clarke

A REPORTED BILL

4-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember David A. Clarke introduced the following bill, which was referred to the Committee on _____.

To [~~legalize enclosed sidewalk cafes; to establish standards for enclosed sidewalk cafes~~;] allow year-round use of sidewalk cafes that contribute to street appearance and activity and that do not adversely affect public safety; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Enclosed Sidewalk Cafe Act of of [~~1981~~] 1982".

Sec. 2. [~~Legalization of~~] Enclosed Sidewalk Cafes.

The Second Amendment to the Building Code for the District of Columbia, effective September 21, 1977 (D.C. Law 2-18; Title 5a-1 DCRR), is amended by inserting the following new section 311.13:

"311.13 Enclosed Sidewalk Cafes.

"Enclosed sidewalk cafe projections may be permitted in accordance with this Code and Article 43 of the Police Regulations of the District of Columbia.".

Sec. 3. Standards for Enclosed Sidewalk Cafes.

Section 3 of Article 43 of the Police Regulations of the District of Columbia is amended by inserting the following new subsection (n):

"(n) Requirements for Enclosed Sidewalk Cafes

"(1) All structural materials used in an enclosed sidewalk cafe must be easily demountable and capable of being removed within 24 hours after notice without damage to the sidewalk or public space which it occupied.

"(2) An enclosed sidewalk cafe may utilize a base wall of opaque material up to a maximum height of 12 inches from the sidewalk level. All enclosing walls, doors, and windows, except for structural members, extending above the base wall, must be noncolored, transparent material. In order to maximize transparency the horizontal, as well as the vertical, structural members shall be no more than 10 inches wide. [~~At least 50% of the wall area shall consist of operable windows~~.]

["~~(3) No flooring material shall be installed in an enclosed sidewalk cafe~~.]

"[~~(4)~~] (3) The number and location of exits in the enclosed sidewalk cafe and in the restaurant to

which it is connected must be adequate to accommodate the total number of allowable occupants of the indoor restaurant and the enclosed sidewalk cafe combined, as determined by the Fire Chief. Access to the enclosed sidewalk cafe must be provided directly from the sidewalk or public space upon which it is located.

"[~~(5)~~] (4) No plumbing fixtures may be installed in an enclosed sidewalk cafe; heating, air-conditioning, ventilating, and electrical lighting may be installed, when authorized, in accordance with the applicable District codes and regulations.

"[~~(6) All building materials used~~] (5) The design must be approved by the Director.

"[~~(7)~~] (6) A sidewalk cafe may be enclosed during the period from October 15 through May 15. [~~and at all other times when the temperature reading at the National Airport weather station is below 65 degrees or above 85 degrees or in the event of rain~~."]

"(7) No enclosed sidewalk cafe shall project more than 15 feet from the building line or occupy more than 50 percent of available sidewalk space.

"(8) In addition to a permit to occupy public space issued under this article, an owner shall obtain a separate building permit for an enclosed sidewalk cafe in accordance with the Second Amendment to the Building Code for the District of Columbia, approved September 21, 1977 (D.C. Law 2-18; D.C.R.R. title

5a-1).

"(9) The Committee shall issue rules establishing design standards for enclosed sidewalk cafes. Such rules shall supplement the requirements of this section.

"(10) The Committee may waive any of the requirements of this subsection if:

"(A) because of the shape, topography, or other conditions of a particular property, the strict application of this subsection would result in exceptional practical difficulties or undue hardship; and

"(B) relief can be granted without substantial detriment to the public good or the general purpose of this subsection.

"(11)The Historic Preservation Review Board may grant an exemption from the requirements of this subsection when such exemption is necessary to preserve the integrity of an historic landmark or a building within an historic district. For the purpose of this paragraph, 'Historic Preservation Review Board', 'historic landmark', and 'historic district' shall have the same meanings as provided in section 2 of the Historic Landmark and Historic District Protection Act of 1978, approvedMarch 3, 1979 (D.C. Law 2-144; D.C. Code, sec. 5-1001).

"(12) All existing enclosed sidewalk cafes

shall meet the requirements of this subsection within 12 months of the effective date of the Enclosed Sidewalk Cafe Act of 1982."

Sec. 4. Fee Schedule for Enclosed Sidewalk Cafes.

Section 202 of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1158; D.C. Code, sec. 7-906), is amended by deleting the period at the end of the second sentence and inserting the following in lieu thereof: ": PROVIDED, That the annual rent for public space used as an enclosed sidewalk cafe shall be double the annual rent for equivalent public space used as an unenclosed sidewalk cafe."

Sec. 5. Miscellaneous Amendments Applicable to All Sidewalk Cafes.

Section 3(j) of Article 43 of the Police Regulations of the District of Columbia is amended by inserting the following new paragraph[~~s~~]:

["~~(15) That no flooring material shall be installed on public space~~.]

"[~~(16)~~] (15) That no food may be consumed on public space unless table service is provided by a waiter or waitress."

Sec. 6. Effective Date.

This act shall take effect after a thirty (30)-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as

provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).

PUBLIC HEARING: ENCLOSED SIDEWALK CAFE ACT OF 1981

DATE: DECEMBER 7, 1981 at 10:00 a.m. - Room 114 (TIME)

WITNESS LIST

NAME	ADDRESS	TELEPHONE #	AFFILIATION
James Gibson	Assistant City Admin. for Planning and Development		
Charles Atherton, Donald Myer & Richard Ryan	708 Jackson Pl. NW	566-1066	Commission of Fine Arts
Geo. H.F. Oberlander	1325 - G St., NW	724-0168	Nat'l. Capitol Planning Com.
Peter Weslow & Steve O'Brian	1814 - 18th St., NW	737-8686	D.C. Licensed Restaurant Grp.
Mr. Kim Kristoff	1764 Church St., NW	442-7373	RWK International - 265-2223
Karen Gordon	930 - F St., NW	737-1519	"Don't Tear It Down"
Avery Faulkner - Pres., Metropolitan Chapter American Institutional Architects			
Ann Hargrove - Citizens Planning Commission			
George Frain	18th & Columbia Road Business Assn.		
Hal Wheeler	1836 Columbia Rd., NW	483-6480	Restaurant Owner
John Schulter			Intowner
Nicholas A. Pappas	1511 - K St., NW	466-2080	Committee of One Hundred on the Federal City
Joseph Grano	1400 - 20th St., NW	223-4254 - Pres. DuPont Cir. Citizens Assn.	
Lewis T. Robbins	1666 - K St., NW	457-7833	Wilks & Artist Chartered

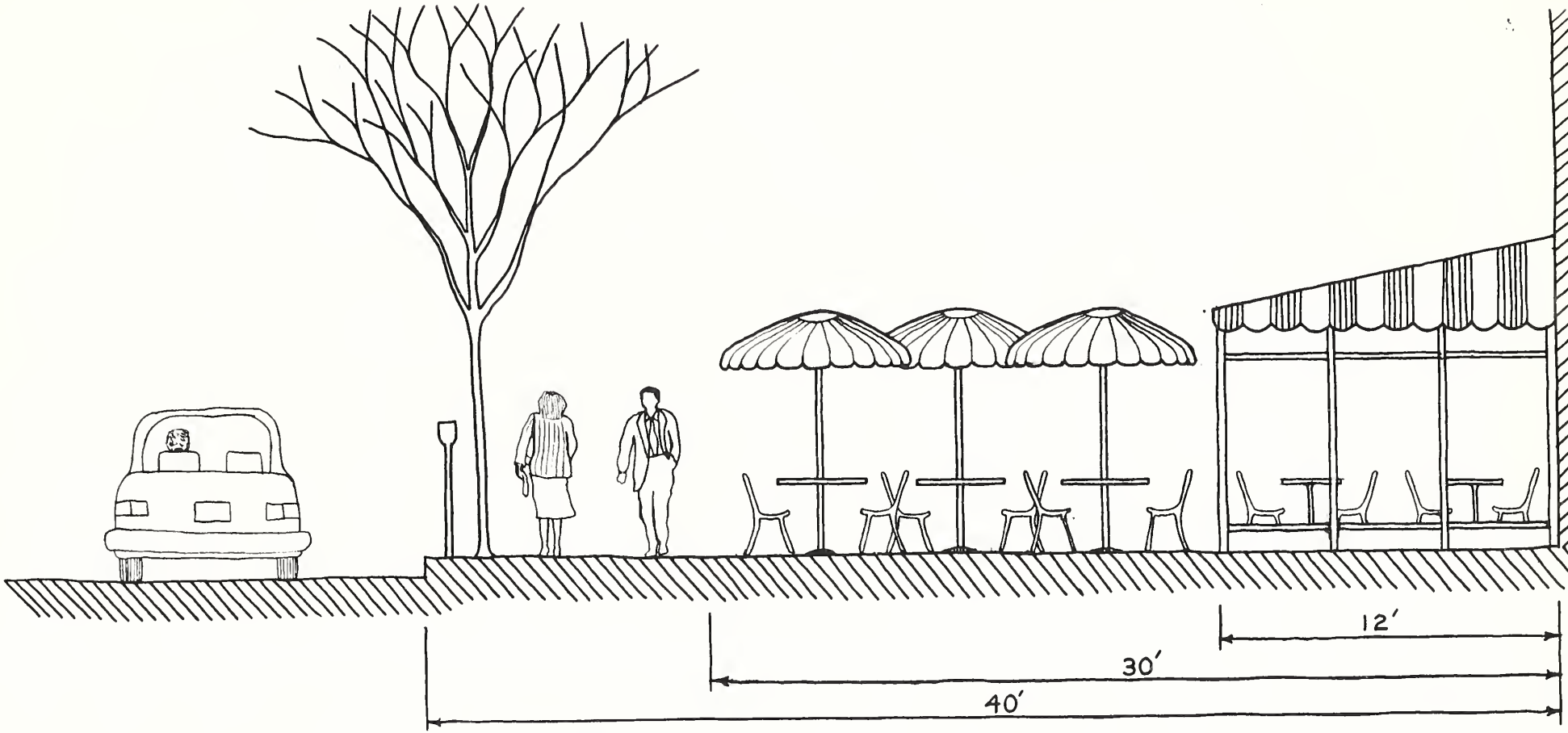
EXHIBIT B(1.)

PUBLIC HEARING: ENCLOSED SIDEWALK CAFE ACT OF 1981

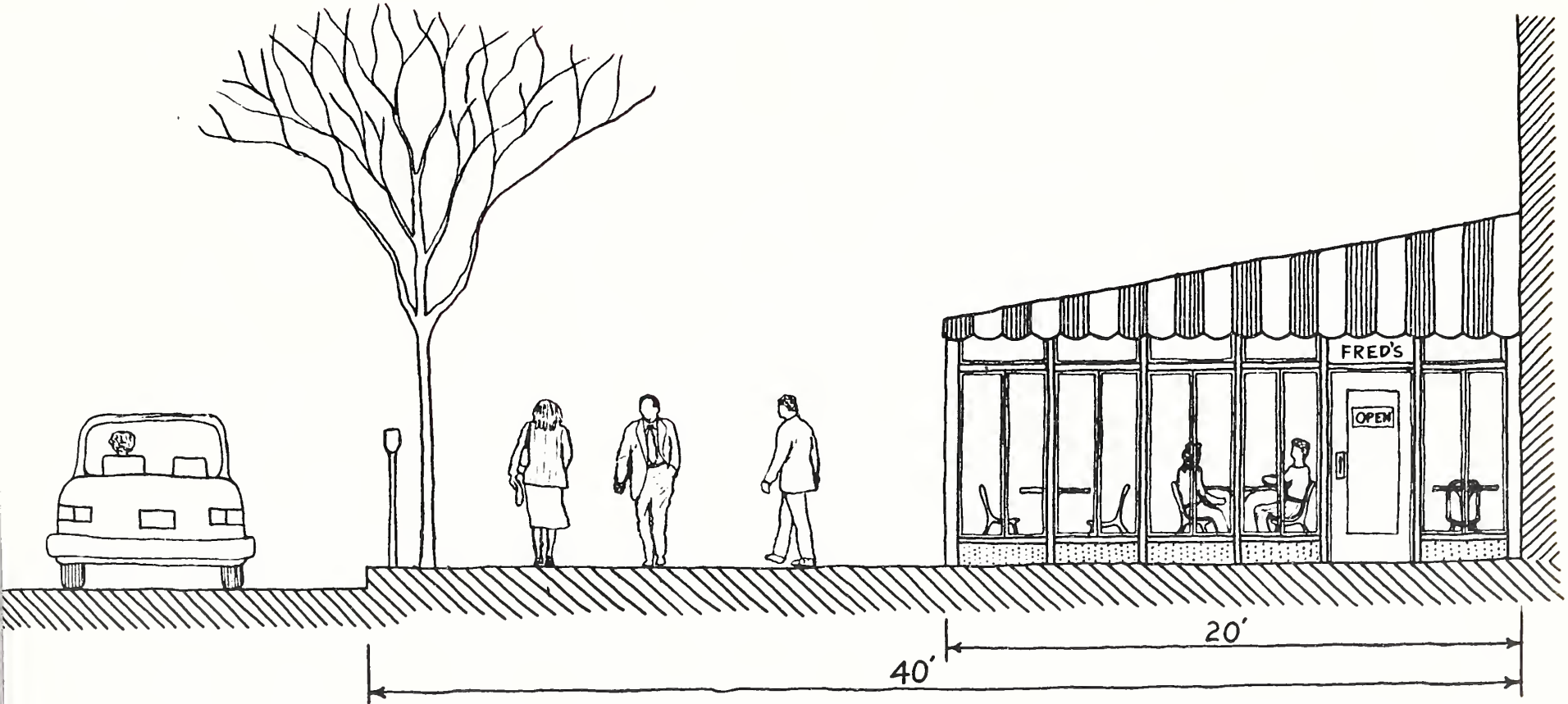
DATE: DECEMBER 7, 1981 at 10:00 a.m. - Room 114
(TIME)

WITNESS LIST

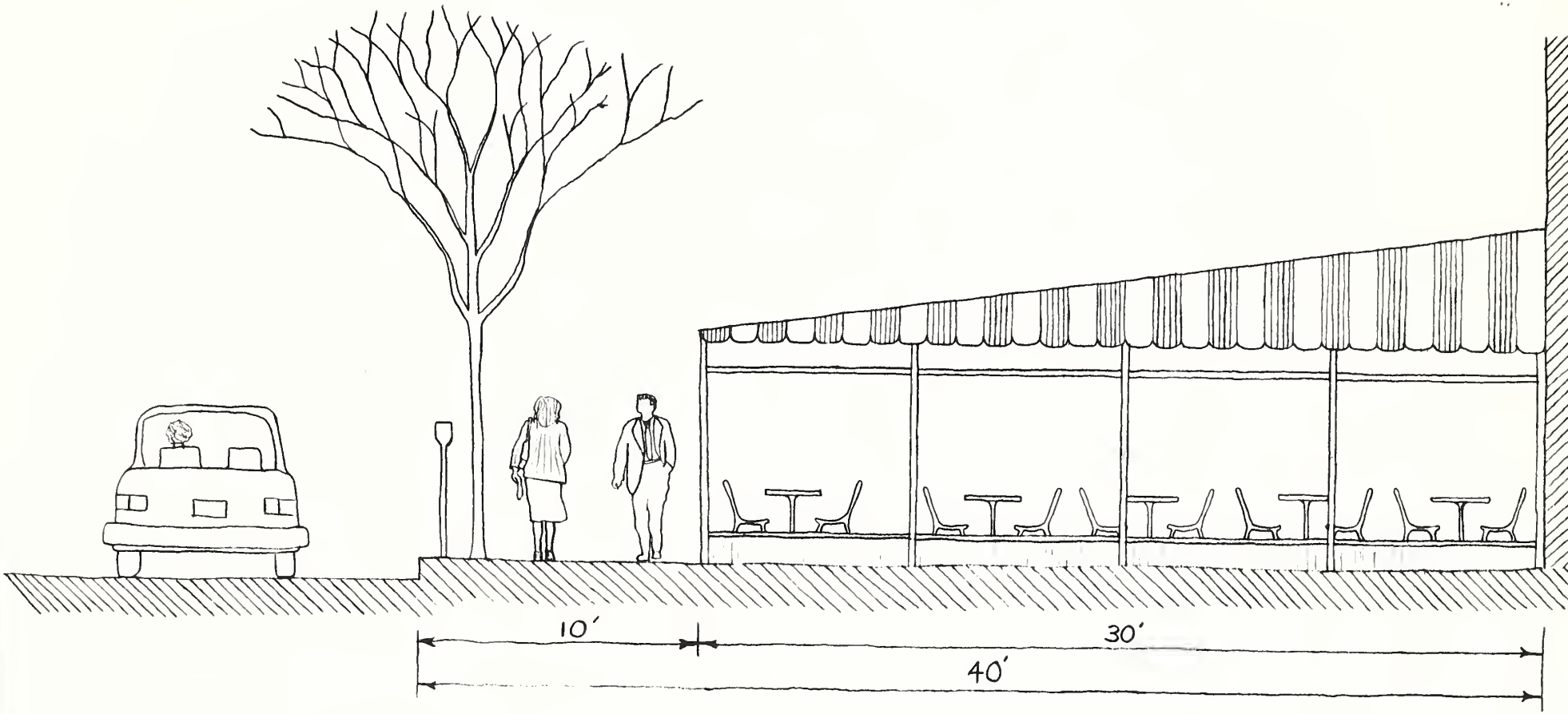
NAME	ADDRESS	TELEPHONE #	AFFILIATION
David Kerr	818 Conn. Ave., NW	223-4344	Barrister Restaurant
Jerry Cooper			
John Cockrell		652-7711	Restaurant Assn. of Metro Wash.
Steven Bicheletti		466-7378	Rumor's Restaurant Owner
Robert Love		667-5683	ANC SMD 1C03
Dave Marshall	1160 - 20th St., NW	659-3427	Runyon's Restaurant



ENCLOSED SIDEWALK CAFE LIMITED TO 12' - OPEN ALLOWED TO 30'



ENCLOSED SIDEWALK CAFE COVERING 50% OF SIDEWALK



ENCLOSED SIDEWALK CAFE 10' FROM CURB - EXISTING CONDITION 19TH ST.

EXHIBIT C

November 24, 1981

Dear Roger:

The Commission was happy to meet with you and architect George Hartman on November 10, 1981 to discuss the feasibility of adding a Conservatory for Music and Theatre to the Kennedy Center. We appreciate the chance to react to the proposals in an early informal manner. We also appreciate the thoroughness with which the studies are progressing. Though we feel it is premature for the Commission to make specific recommendations, the sense of our meeting was that the Commission is not opposed to altering the existing building, provided a satisfactory design can be developed. We look forward to working with you as the studies progress.

Sincerely yours,

SIGNED

J. Carter Brown
Chairman

Mr. Roger L. Stevens
Chairman
John F. Kennedy Center for the
Performing Arts
Washington, D.C. 20566

CHA/blt/11-24-81

EXHIBIT D

December 8, 1981

Dear Tom:

I am writing to confirm the Commission's disapproval of the drinking fountain that we reviewed at our meeting on November 10, 1981. The design is over-done and does not relate at all well to the other elements of the streetscape, notably the Millet lamp standards and the benches. It should be greatly simplified in its decorative detail, with cleaner and more straightforward lines.

In particular, we question having three separate fountains on a single support all at the same height. We can see two possibly, with one at a standard height and another somewhat lower to be more accessible to children or persons in wheelchairs, but three is too many.

As a rule, the Commission agrees that it is desirable to have elements such as the fountain specially designed for the avenue. In this case, however, it might be better to sacrifice the uniqueness of the design for the sake of getting one that is a bit more simple, even if it means choosing a product that might already be in use elsewhere.

With all best wishes,

Sincerely yours,

J. Carter Brown
Chairman

Mr. Tom Regan
Pennsylvania Avenue Development Corporation
425 13th Street, N.W.
Washington, D.C. 20004

CHA:blt:hg

EXHIBIT E

November 24, 1981

Dear Jack:

I am pleased to report that the Commission of Fine Arts approved the final designs for the Vietnam Veterans Memorial at its meeting on November 10, 1981. All of the areas of concern that were mentioned in our first review have been satisfactorily resolved; the additional granite strips provide good access to the handicapped; the drainage has been thought through, and the new curbing and grass strip should function well as a warning of the drop-off beyond. None of the additional elements, we believe, detract in any way from the simplicity of the original design.

You will recall, however, that the Commission was opposed to increasing the size of the memorial. Unfortunately it has been necessary to do so by a total of some ninety-six feet in order to accommodate all the names. While the Commission regrets this, there appears to be no alternative, since smaller letters would be difficult if not impossible to read, especially on those panels which reach the full ten-foot height. Even with the expanded length, the Commission still believes the site and design complement each other very well.

With best wishes.

Sincerely yours,

J. Carter Brown
Chairman

Mr. Manus J. Fish
Director
National Capital Region
National Park Service
1100 Ohio Drive, S.W.
Washington, D.C. 20242

CHA/blt/11-24-81

EXHIBIT F

December 7, 1981

Dear Mr. Stewart:

The Commission of Fine Arts met with Frank Miles, of the GSA staff, on November 10, 1981 to discuss designs for the addition to Building 213 at the Washington Navy Yard. In giving our approval, we note the industrial character of this part of the Navy Yard and the unattractive bricked-up windows of the existing building. Mr. Miles indicated that a master plan for this GSA controlled part of the Navy Yard would soon be under way. We want the record to show our endorsement for that effort and hope that it can result in a net improvement of the visual character of this area as a federal mixed-use complex. One obvious need in this district is greater emphasis on the landscape element of the planning project. The Commission will be available to consult with you as those plans progress.

Sincerely yours,

J. Carter Brown
Chairman

J.B. Stewart
Director
Design and Construction Division
General Services Administration
National Capital Region
Washington, D.C. 20407

CHA/blt/11-24-81